

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,  
STATE OF CALIFORNIA,  
*et al.*,

Case No. 11-11940  
Hon. Stephen J. Murphy  
Mag. Judge Mark Randon

Plaintiffs,

**UNDER SEAL**

*ex rel.* AZAM RAHIMI,

Plaintiff/Relator,

v.

RITE AID CORPORATION,

Defendant.

\_\_\_\_\_ /

**UNITED STATES' NOTICE OF DECLINATION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States; providing, however, that the "action may be dismissed only if the Court and the Attorney General give written consent to the dismissal and their reasons for consenting." *Id.* Therefore, the United States requests that, should

either the relator or the defendant propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States; the United States also requests that orders issued by the Court be sent to the Government's counsel. The United States reserves its right to order any deposition transcripts, to intervene in this action, for good cause, at a later date, and to seek the dismissal of the relator's action or claim. The United States also requests that it be served with all notices of appeal.

Finally, the Government requests that the relator's Complaint, First Amended Complaint, Second Amended Complaint, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Respectfully submitted,

BENJAMIN C. MIZER  
Principal Deputy Assistant Attorney General  
Civil Division

/s/ Allie Pang  
MICHAEL D. GRANSTON  
PATRICIA L. HANOWER  
ALLIE PANG  
Civil Division, Fraud Section  
601 D. Street, NW, Room 9150  
Washington, D.C. 20004  
Phone: (202) 514-6846

LOCAL COUNSEL

BARBARA L. McQUADE  
United States Attorney

LYNN DODGE  
Assistant U.S. Attorney  
211 W. Fort Street, Suite 2001  
Detroit, Michigan 48226  
(313) 226-9766  
P42081

Dated: January 18, 2017

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,  
STATE OF CALIFORNIA,  
*et al.*,

Case No. 11-11940  
Hon. Stephen J. Murphy  
Mag. Judge Mark Randon

Plaintiffs,

*ex rel.* AZAM RAHIMI,

Plaintiff/Relator,

v.

RITE AID CORPORATION,

Defendant.

---

**ORDER**

The United States having declined to intervene in this action pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the Court rules as follows:

IT IS ORDERED that,

1. the Complaint, First Amended Complaint, and Second Amended Complaint be unsealed, and the Second Amended Complaint be served upon the defendant by the relator;

2. all other contents of the Court's file in this action remain under seal and not be made public or served upon the defendant, except for this Order and the Government's Notice of Election to Decline Intervention, which the relator will serve upon the defendant only after service of the Second Amended Complaint;

3. the seal be lifted as to all other matters occurring in this action after the date of this Order;

4. the parties shall serve all pleadings and motions filed in this action, including supporting memoranda, upon the United States, as provided for in 31 U.S.C. § 3730(c)(3). The United States may order any deposition transcripts and is entitled to intervene in this action, for good cause, at any time;

5. the parties shall serve all notices of appeal upon the United States;

6. all orders of this Court shall be sent to the United States; and that

//

//

7. should the relator or the defendant propose that this action be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States before ruling or granting its approval.

IT IS SO ORDERED,

This \_\_\_\_\_ day of \_\_\_\_\_, 2017.

---

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on January 18, 2017, I caused the United States' Notice of Declination and Proposed Order to be served by filing them in the ECF system and by sending copies thereof by electronic mail to counsel for Relator. I have not served the United States' Notice of Declination or the Proposed Order on the Defendant.

/s/ Allie Pang  
MICHAEL D. GRANSTON  
PATRICIA L. HANOWER  
ALLIE PANG  
Civil Division, Fraud Section  
601 D. Street, NW, Room 9150  
Washington, D.C. 20004  
Phone: (202) 514-6846